

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BRIAN BALLENTINE, *et al.*,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, *et al.*,

Defendants.

Case No. 2:14-cv-01584-APG-GWF

**ORDER**

This matter is before the Court on Defendants' Proposed Protective Order (#78) and Plaintiffs' Proposed Protective Order (#79), both filed on October 20, 2015.

Plaintiff represents that the Parties could not agree on a stipulated order. Specifically, the Parties disagree on two sentences in the protective order, highlighted here in bold:

However, in the event a Party seeks to file Protected Materials with the Court, those documents shall be filed under seal pursuant to Rule 10-5 of the Local Rules of Practice for the U.S. District Court of Nevada. The Party filing such Protected Materials may assert in the accompanying motion any reasons why the Protected Materials should not, in fact, be kept under seal and the Designating Party, who must be properly noticed, may likewise file a motion asserting its position that the Protected Material merits protection under Rule 26(c) of the Federal Rules of Civil Procedure. **In such instances, absent extraordinary circumstances making prior consultation impractical or inappropriate, the Party seeking to submit the Protected Material to the Court shall first consult with counsel for Designating Party. This duty exists irrespective of the duty to consult on the underlying motion.**

Proposed Protective Orders, page 7.

Plaintiffs wish to keep the sentences, and Defendants wish to have them removed because it imposes an unnecessary burden. The Court has reviewed the disputed language, and finds that it should remain in the protective order, with the exception of the sentence reading "This duty exists

1 irrespective of the duty to consult on the underlying motion.” The Parties are hereby instructed to  
2 file a stipulated protective order containing this language.

3 **IT IS SO ORDERED.**

4 **DATED** this 22nd day of October, 2015.

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7 GEORGE FOLEY, JR.  
8 United States Magistrate Judge  
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